

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-01 Erie
)	
AARON CEDRIC LONDON)	

MOTION TO DESTROY FIREARMS

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Marshall J. Piccinini, Assistant United States Attorney for said district, and respectfully moves this Court, pursuant to the All Writs Act, Title 28, United States Code, Section 1651(a) to enter an order authorizing Special Agents of the Federal Bureau of Investigation, to destroy certain firearms seized during the investigation of this case. In support thereof, the government alleges as follows:

1. That on or about January 9, 2001, defendant was indicted for violations of Title 18, United States Code, Sections 2113(a) (bank robbery), 2113(d) (use of a dangerous weapon in connection with bank robbery), and 924(c)(1) (use of a firearm in relation to a crime of violence).

2. That on or about May 25, 2001, defendant was found guilty of a violation of Title 18, United States Code, Sections 2113(a) (bank robbery), 2113(d) (use of a dangerous weapon in

connection with bank robbery), and 924(c)(1) (use of a firearm in relation to a crime of violence).

3. That on or about August 1, 2001, defendant was sentenced to 147 months of incarceration.

4. That during the course of the investigation, the following weapons were seized:

(a) a Glock 9mm semi-automatic pistol, Serial Number CVN121US, with a magazine and nine cartridges, which defendant discarded after robbing the bank, and ownership of which was traced to Jonathan P. Howard, date of birth [REDACTED], social security number [REDACTED];

(b) a Ruger 9mm semi-automatic pistol, Serial Number 31346643, which was seized from Jonathan P. Howard during an interview with law enforcement authorities regarding the prior recovered handgun.

5. That on March 10, 2005, Jonathan P. Howard pled guilty to Carrying a Concealed Weapon, a felony of the fourth degree, in the Lake County, Ohio Court of Common Pleas. When the crime of carrying a concealed weapon is classified as a felony of the fourth degree, it is punishable by a possible term of incarceration of six to eighteen months and a \$5000 fine. See State v. Jordan, 2002 WL 31124420 at *6 (Ohio App. 8 Dist. 2002). On June 2, 2005, Howard was sentenced to 17 days in the Lake County Jail located in Painesville, Ohio, and one year of inactive community control.

6. That, as a result of defendant's felony conviction in the United States District Court for the Western District of Pennsylvania, and as a result of Jonathan P. Howard's felony conviction in Lake County, Ohio, it is unlawful for the defendant or Jonathan P. Howard to possess any firearm or ammunition or to receive any firearm or ammunition pursuant to Title 18, United States Code, Section 922(g)(1).

WHEREFORE, as a result of defendant's and Jonathan P. Howard's felony convictions, it is respectfully requested that this Court enter an order authorizing Special Agents of the Federal Bureau of Investigation to destroy the above-described weapons.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/ Marshall J. Piccinini
MARSHALL J. PICCININI
Assistant U.S. Attorney
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